

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
CIVIL ACTION NO. 5:08-CV-00464-H**

NATIONAL GENETICS INSTITUTE,	)	
and BAXTER INTERNATIONAL,	)	
INC.,	)	
	)	
Plaintiffs,	)	
vs.	)	
	)	
TALECRIS BIOTHERAPEUTICS,	)	
INC.	)	
	)	
Defendant.	)	

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**PLAINTIFFS' STATUS REPORT**

Pursuant to the Court's January 30, 2009 Order, Plaintiffs hereby provide the Court with this Status Report concerning the pending reexamination of U.S. Patent No. 6,566,052 (the '052 patent), 6,063,563 (the '563 patent), and 5,780,222 (the '222 patent), the patents-in-suit in the above captioned litigation. In connection with this Status Report, Plaintiffs state as follows:

Defendant filed a request for *ex parte* reexamination of the '052, the '563, and the '222 patents on November 7, 2008. The Patent Office issued an Order Granting Request for *Ex Parte* Reexamination on December 17, 2008 in each of the three patents-in-suit.

On February 19, 2009, the Patent Office issued non-final office actions in each of the three pending reexamination cases.

On April 20, 2009, the Patent Owner filed responses in each of the three pending reexamination cases to the respective non-final office actions. On May 14, 2009, the Patent Owner filed supplemental responses in each of the three pending reexamination cases.

In July 2009, the Patent Office confirmed the validity of all claims of all three asserted patents and issued Notices of Intent to Issue *Ex Parte* Reexamination Certificates. (Ex. A-C.)

On July 13, 2009, Patent Owner filed first petitions to request consideration of documents in each of the pending reexamination cases. On October 6, 2009 the Patent Office dismissed the first petitions.

On October 26, 2009, the Patent Owner filed second petitions to request consideration of documents in each of the pending reexamination cases. On December 1, 2009, the Patent Office dismissed the second petitions.

On December 7, 2009, Patent Owner filed third petitions to request consideration of documents in each of the pending reexamination cases. The third petitions are currently pending before the Patent Office.

Respectfully submitted this the 4<sup>th</sup> day of January, 2010.

/s/ E. Danielle T. Williams  
Steven Gardner (NC Bar #20984)  
E. Danielle T. Williams (NC Bar #23283)  
Matias Ferrario (NC Bar #38723)  
Frank W. Leak, Jr. (NC Bar #27937)  
KILPATRICK STOCKTON LLP  
1001 West Fourth Street  
Winston-Salem, NC 27101  
Telephone: (336) 607-7300

Facsimile: (336) 607-7500  
sgardner@kilpatrickstockton.com  
dtwilliams@kilpatrickstockton.com  
mferrario@kilpatrickstockton.com  
fleak@kilpatrickstockton.com

Hayden J. Silver, III (NC Bar #10037)  
KILPATRICK STOCKTON LLP  
3737 Glenwood Avenue  
Raleigh, NC 27612  
Telephone: (919) 420-1700  
Facsimile: (919) 420-1880  
jaysilver@kilpatrickstockton.com

*Attorneys for Plaintiff National Genetics Institute*

/s/ William O.L. Hutchinson  
William O.L. Hutchinson (NC Bar # 32742)  
KING & SPALDING LLP  
227 W. Trade Street, Suit 600  
Charlotte, NC 28202  
Telephone: (704) 503-2563  
Facsimile: (704) 503-2622  
whutchinson@kslaw.com

Of Counsel:

Kenneth H. Sonnenfeld, Ph.D.  
Alex Skucas  
KING & SPALDING LLP  
1185 Avenue of the Americas  
New York, New York 10036-4003  
Telephone: (212) 556-2324  
Facsimile: 212-556-2222  
ksonnenfeld@kslaw.com  
sweingaertner@kslaw.com

*Attorneys for Baxter International, Inc.*

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 4<sup>th</sup> day of January 2010, I electronically filed the foregoing PLAINTIFFS' STATUS REPORT with the Clerk of Court using the CM/ECF system, which will automatically send documentation of such filing to the following attorneys of record:

Michael E. Ray  
Jacob S. Wharton  
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC  
One West Fourth Street  
Winston-Salem, NC 27101

*Attorneys for Defendant Talecris Biotherapeutics, Inc.*

Of Counsel:

Gary M. Rubman  
COVINGTON & BURLING LLP  
1201 Pennsylvania Avenue, NW  
Washington, D.C. 20004-2401

*Attorney for Defendant Talecris Biotherapeutics, Inc.*

This 4<sup>th</sup> day of January, 2010.

/s/ E. Danielle Thompson Williams